

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAZARUS DANIEL MARQUEZ,

Petitioner,

v.

JEFF LYNCH,

Respondent.

Case No. 1:22-cv-00896-ADA-EPG-HC

ORDER FOR SUPPLEMENTAL BRIEFING

Petitioner Lazarus Daniel Marquez is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Respondent has moved to dismiss the petition based on untimeliness and nonexhaustion. (ECF No. 10.) In the opposition, Petitioner asserts that extraordinary circumstances prevented him from timely filing his petition and cites to his declaration in support of the petition, which was filed as Exhibit 2 to the petition. (ECF No. 14 at 3.)¹ Specifically, Petitioner appears to assert that his mental health, lack of access to his legal documents and the law library, limited education, and the COVID-19 pandemic constitute extraordinary circumstances that prevented him from timely filing his petition. (ECF No. 1 at 37–41.) In the reply, Respondent only addressed whether Petitioner’s mental health constitutes an extraordinary circumstance warranting equitable tolling. (ECF No. 19.)

¹ Page numbers refer to the ECF page numbers stamped at the top of the page.

1 The Court finds that supplemental briefs regarding Petitioner's other grounds for
2 equitable tolling set forth in his declaration (ECF No. 1 at 37–41) would assist the Court in this
3 matter.

4 Accordingly, the Court HEREBY ORDERS:

- 5 1. Within fourteen (14) days of the date of service of this order, Respondent shall file a
6 supplemental brief addressing Petitioner's other grounds for equitable tolling set forth in
7 his declaration (ECF No. 1 at 37–41);
- 8 2. Within fourteen (14) days of the date of service of Respondent's supplemental brief,
9 Petitioner may file a response.

10 IT IS SO ORDERED.
11

12 Dated: **June 6, 2023**

13 /s/ Eric P. Grogan
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28